IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2216 OF 2005

M/s. Foursquare Developers
and Ors. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.Girish Kulkarni i/b M/s. Prakash &Co. for Applicants
Mr.D.P.Thakur for Respondent no.2
Mr.M.S.Mhambray,A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 20, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued in Case No. 429/SS/2004 against them by the learned Metropolitan Magistrate, 26th Court,

Borivali Mumbai. The said process was issued under Sections 4,5,6 and 11 r.w. 13 and 14 of the Maharashtra Ownership of Flats Act.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The proceedings before the trial Court are stayed for a period of four weeks from today. The learned advocate for the applicants states that he will not raise any objection in relation to delay in filing the revision.

5. On the necessary revision being preferred by

the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]